

AMENDED IN SENATE APRIL 18, 2006

SENATE BILL

No. 1795

Introduced by Senator Machado

February 24, 2006

An act to amend Section 1242 of, *and to add Section 1267 to*, the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

SB 1795, as amended, Machado. Groundwater recharge.

Under existing law, the right to water or to the use of water is limited to that amount of water that may be reasonably required for the beneficial use to be served. Existing law declares that the storing of water underground, and related diversions for that purpose, constitute a beneficial use of water if the stored water is thereafter applied to the beneficial purposes for which the appropriation for storage was made.

This bill would declare that the recharging of a groundwater basin ~~for the purpose of storage, and related diversions for that purpose, by a local agency for the purpose of repelling saline intrusion and recovering basin groundwater levels~~ constitutes a beneficial use of water if the recharge is consistent with management objectives set forth in a local agency's groundwater management plan. *The bill would require that every application for a permit to appropriate water for groundwater recharge purposes set forth specified information.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 1242 of the Water Code is amended to read:

1242. (a) The storing of water underground, including the diversion of streams and the flowing of water on lands necessary to the accomplishment of the storage, constitutes a beneficial use of water if the water so stored is thereafter applied to the beneficial purposes for which the appropriation for storage was made.

(b) ~~The recharging of a groundwater basin for the purpose of storage, and the diversion of streams, the flowing of water on lands, or the use of other similar methods to accomplish the recharge, constitutes a beneficial use of water if the recharge is consistent with management objectives set forth in a local agency's groundwater management plan., by a local agency, for the purpose of repelling saline intrusion and recovering basin groundwater levels, including the diversion of streams, the flowing of water on lands, or other similar means necessary for the accomplishment of groundwater recharge for these purposes, constitutes a beneficial use of water if the agency has determined that the recharge is consistent with a local agency's groundwater management plan.~~

(c) *For purposes of this section, the following terms have the following meanings:*

(1) *"Groundwater" means all water beneath the surface of the earth within the zone below the water table in which the soil is completely saturated with water, but does not include water which flows in known and definite channels.*

(2) *"Groundwater basin" means any basin identified in the department's Bulletin No. 118, dated September 1975, and any amendments to that bulletin, but does not include a basin in which the average well yield, excluding domestic wells that supply water to a single-unit dwelling, is less than 100 gallons per minute.*

(3) *"Groundwater recharge" means the augmentation of groundwater, by natural or artificial means, with surface water or recycled water.*

1 (4) “Groundwater management plan” means a plan adopted
2 pursuant to Part 2.5 (commencing with Section 10750) of
3 Division 6.

4 (5) “Local agency” means any local public agency that
5 provides water service to all or a portion of its service area, and
6 includes a joint powers authority formed by local public agencies
7 that provide water service.

8 SEC. 2. Section 1267 is added to the Water Code, to read:

9 1267. (a) Every application for a permit to appropriate
10 water for groundwater recharge purposes shall set forth all of
11 the following:

12 (1) The manner in which the groundwater recharge will be
13 accomplished.

14 (2) The nature of the salinity intrusion or overdraft to be
15 addressed.

16 (3) The manner in which the groundwater recharge will
17 improve the salinity intrusion or overdraft.

18 (4) The method for monitoring groundwater recharge.

19 (b) No application for a permit to appropriate water for
20 groundwater recharge purposes shall require an underground
21 storage supplement, or any other information regarding
22 withdrawal of water from the groundwater basin, to be included,
23 provided that the local agency has determined both of the
24 following:

25 (1) The groundwater recharge will relieve conditions of
26 overdraft in the groundwater basin, improve water levels, repel
27 saline intrusion, or otherwise improve groundwater quality.

28 (2) The groundwater recharge is consistent with a local
29 agency’s groundwater management plan.

30 (c) For purposes of this section, the following terms have the
31 following meanings:

32 (1) “Groundwater” means all water beneath the surface of the
33 earth within the zone below the water table in which the soil is
34 completely saturated with water, but does not include water
35 which flows in known and definite channels.

36 (2) “Groundwater basin” means any basin identified in the
37 department’s Bulletin No. 118, dated September 1975, and any
38 amendments to that bulletin, but does not include a basin in
39 which the average well yield, excluding domestic wells that

1 *supply water to a single-unit dwelling, is less than 100 gallons*
2 *per minute.*

3 (3) *“Groundwater recharge” means the augmentation of*
4 *groundwater, by natural or artificial means, with surface water*
5 *or recycled water.*

6 (4) *“Groundwater management plan” means a plan adopted*
7 *pursuant to Part 2.5 (commencing with Section 10750) of*
8 *Division 6.*

9 (5) *“Local agency” means any local public agency that*
10 *provides water service to all or a portion of its service area, and*
11 *includes a joint powers authority formed by local public agencies*
12 *that provide water service.*

13 (6) *“Underground storage supplement” means an application*
14 *proposing underground storage pursuant to Section 733 of Title*
15 *23 of the California Code of Regulations.*